

Applicant: Cave et al.
Application No.: 10/626,165

REMARKS/ARGUMENTS

Claims 57 – 88 are currently pending in this application. Claims 1 – 56, and 72 were previously canceled without prejudice. Claims 57, 64, 71, 76, and 82 are amended. No new subject matter is added.

Claim Rejections - 35 U.S.C. § 103

Claims 57 – 62, 64 – 69, 71 – 84, and 86 - 88 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0142691 to Jollota et al. (hereinafter “Jollota”) in view of U.S. Patent No 6,330,459 to Crichton et al. (hereinafter “Crichton”).

Claim 85 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Jollota in view of Crichton and in further view of U.S. Patent No 6,593,880 to Velazquez et al. (hereinafter “Velazquez”).

Claims 63, 70, and 88 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jollota in view of Crichton and in further view of U.S. Patent No 5,396,541 to Anderson et al. (hereinafter “Anderson”).

Jollota does not disclose a base station configured to detect an omnidirectional sounding pulse from a wireless transmit/receive unit (WTRU) on a frequency outside of allocated uplink and downlink frequencies as is recited in independent claims 57, 64, 71, 76, and 82. Jollata teaches the use of a standard

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Bluetooth Inquiry (paragraph [0021]). One skilled in the art would recognize that a standard Bluetooth Inquiry is transmitted using an allocated uplink frequency.

In addition, Jollota does not disclose receiving from the interface a relative location of the WTRU and a notification to establish a wireless communication with the WTRU as is recited in independent claims 57, 64, 71, 76, and 82.

The examiner asserts that Crichton remedies this deficiency. The Applicants respectfully disagree. Crichton teaches that a base station receives a request for access/service on a wide-area random access channel (RACH) having a dedicated frequency within the communication stem [sic] (column 5, lines 35 – 38). The ‘communication system’ instructs the base station to respond to the request for access (column 5, line 55 – column 6, line 5). The control processor in the base station determines a direction of arrival of a signal (column 9, lines 15 – 21). And the base station directs a beam at the communication device based on a direction of arrival of the RACH at the antenna of the base station (column 5, lines 55 – 65).

Crichton does not disclose a base station configured to detect an omnidirectional sounding pulse from a wireless transmit/receive unit (WTRU) on a frequency outside of allocated uplink and downlink frequencies as is recited in independent claims 57, 64, 71, 76, and 82. Crichton teaches that a base station receives a request for access/service on a wide-area random access channel (RACH) having a dedicated frequency within the communication stem [sic] (column 5, lines

35 – 38). One skilled in the art would recognize that the RACH is an allocated (dedicated) uplink frequency. Thus Crichton does not teach receiving on a frequency outside of allocated uplink and downlink frequencies.

Crichton does not disclose a base receiving a relative location of a WTRU as is recited in independent claims 57, 64, 71, 76, and 82. Crichton teaches that the control processor determines a direction of arrival of a signal (column 9, lines 15 – 21). Thus, the base station estimates the angle of reception and does not receive a relative location.

Crichton does not disclose that the base station receives a relative location and a notification to establish a wireless communication with the WTRU from an interface. Even assuming, for the sake of argument, that an antenna is equivalent to an interface, and also assuming that the base station receives a relative location from the antenna, the base station does not receive a relative location and a notification to establish a wireless communication from an interface. The base station receives the signal from the antenna, estimates an angle of reception, and receives instructions from the communication system. The antenna and the communication system are two different things.

Similarly, both Velazquez and Anderson fail to teach, suggest, or imply the elements recited in independent claims 57, 64, 71, 76, and 82.

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Crichton, Velazquez, and Anderson, taken alone or in combination, do not remedy the deficiencies of Jollota. Therefore claims 57, 64, 71, 76, and 82 are distinguishable over the combination of Jollota, Crichton, Velazquez, and Anderson.

Claims 58 – 63, 65 – 70, 72 – 75, 77 – 81, and 83 - 88 depend from claims 57, 64, 71, 76, and 82 respectively, and the Applicants believe these claims are allowable over Jollota, Crichton, Velazquez, and Anderson for at least the reasons provided above.

Based on the arguments presented above, withdrawal of the 35 U.S.C. § 103(a) rejection of claim 57 – 88 is respectfully requested.

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Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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